



Comptroller General
of the United States

44376

Washington, D.C. 20548

Decision

Matter of: Imaging Equipment Services, Inc.

File: B-256612

Date: June 7, 1994

DECISION

Imaging Equipment Services, Inc. protests the award of a contract to R Squared Scan Systems under request for proposals (RFP) No. 627-3-94, issued by the Department of Veteran Affairs (VA), to maintain a computerized tomography scanner. Imaging alleges that the awardee's proposal omitted the name and credentials of its field service engineer, as required by the solicitation.

We dismiss this protest because the protester is not an interested party eligible to protest this matter.

Under the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556 (1988), only an "interested party" may protest a federal procurement. That is, a protester must be an actual or prospective supplier whose direct economic interest would be affected by the award of a contract or the failure to award a contract. 4 C.F.R. § 21.0(a). Determining whether a party is interested involves consideration of a variety of factors, including the nature of issues raised; the benefit of relief sought by the protester; and the party's status in relation to the procurement. Black Hills Refuse Serv., 67 Comp. Gen. 261 (1988), 88-1 CPD ¶ 151. A protester is not an interested party where it would not be in line for contract award were its protest to be sustained. ECS Composites, Inc., B-235849.2, Jan. 3, 1990, 90-1 CPD ¶ 7.

Three offerors submitted initial proposals by the November 15, 1993, proposal receipt date, the protester, the awardee, and a third offeror, Mediq Equipment and Maintenance Services, Inc. Two rounds of discussions were conducted, culminating in a request for best and final offers (BAFO) on February 24, 1994, to which each offeror responded. The VA evaluated the BAFOs in accordance with the RFP "best value" evaluation scheme. This evaluation scheme provided for a 100-point proposal evaluation, with 80 points distributed among 3 technical factors and 20 points assigned to price. Based upon the agency's BAFO

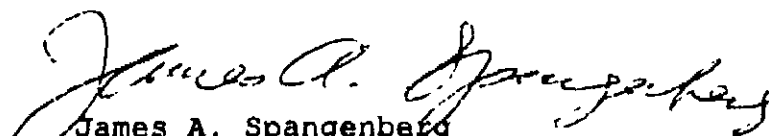
evaluation, the three offerors earned the following overall scores, price and technical factors considered:

<u>Offeror</u>	<u>Points</u>
R Squared	80
Mediq	70
Imaging	67

The agency made award to R Squared based upon its highest-rated proposal on February 28. Imaging filed its protest of the acceptability of R Squared's proposal on March 2.

Imaging's protest only contests the acceptability of R Squared's proposal and does not question either its own evaluation or that of the intervening offeror, Mediq. Thus, even if Imaging were to prevail in this protest, Imaging would not be in line for award. Therefore, Imaging lacks the direct economic interest required to maintain a protest.

The protest is dismissed.


James A. Spangenberg
Assistant General Counsel